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‡ Of Counsel

September 23, 2008

Re: Inventors Xu et al.

USSN: 10/705,447

Filed November 10, 2003

Title: Impedence based devices and methods for use in assays

Examiner: Nathan Bowers

GAU: 1797

Fax Number, Examiner Desktop: <u>571.273.</u> 8613

Dear Examiner N. Bowers:

Thank you for your productive and courteous phone conversation the past two days regarding the response to final office action that was recently filed in the referenced patent application. As we discussed, we note that agreement that we reached in cancelling claims 309 and 310 as being dependent on canceled claim 72. For the record, we note that the dependency of claim 309 and 310 on claim 72 was not realized. We apologize for any inconvenience that this may have caused and respectfully request that this transmission be attached to your examiner's amendment cancelling claims 309 and 310.

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